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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,935	07/31/2003	Yasuhiro Tamekuni	B208-889 DIV	9639

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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2677

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,935	Applicant(s) TAMEKUNI ET AL.	
	Examiner Leonid Shapiro	Art Unit 2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada (US Patent No. 5,640,171) in view of Yokoi et al. (US Patent No. 5,864,346).

As to claim 19, Shimada teaches a display apparatus (See Col. 1, Lines 6-9) comprising:

a display unit adapted to display an image (see Fig. 2, items 10R, 10L, Col. 3, Lines 48-60); and

wherein said display unit displays said image as being switched by mode signal from 3D to 2D mode (See Fig. 1, items 2, 4, Fig. 3, items 3-4, Col. 4, Lines 30-67).

Shimada does not disclose a detection unit adapted to detect whether a predetermined time is passed to switch mode from 3D to 2D.

Yokoi et al. teaches a detecting unit adapted to detect whether a predetermined time is passed (See Fig. 8, items steps S102-S103, S116, Col. 8, Lines 11-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Yokoi et al. into Shimada system to switch mode

after predetermined time passed in order to prevent user from getting excessively fatigued (See Col. 1, Lines 45-48 in the Yokoi et al. reference).

As to claim 24, Shimada teaches a method for a display unit (See Col. 1, Lines 6-9) adapted to display an image (see Fig. 2, items 10R, 10L, Col. 3, Lines 48-60); and displaying said image as being switched by mode signal from 3D to 2D mode (See Fig. 1, items 2, 4, Fig. 3, items 3-4, Col. 4, Lines 30-67).

Shimada does not disclose a detection unit adapted to detect whether a predetermined time is passed to switch mode from 3D to 2D.

Yokoi et al. teaches a detecting unit adapted to detect whether a predetermined time is passed (See Fig. 8, items steps S102-S103, S116, Col. 8, Lines 11-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Yokoi et al. into Shimada method to switch mode after predetermined time passed in order to prevent user from getting excessively fatigued (See Col. 1, Lines 45-48 in the Yokoi et al. reference).

As to claims 20 and 25, Shimada teaches display apparatus is capable of being mounted on user's head (See Fig. 2, item 9, Col. 3, Lines 48-60).

As to claims 21 and 26, Yokoi et al. teaches a time setting unit adapted to set predetermined time by manual operation (See Fig. 5, items 2221, 2224, from Col. 5, Line 64 to Col. 6, Line 7).

As to claims 22 and 27, Shimada teaches display apparatus is capable of being mounted on user's head (See Fig. 2, item 9, Col. 3, Lines 48-60) and Yokoi et al.

Art Unit: 2677

teaches a time setting unit adapted to set predetermined time by manual operation (See Fig. 5, items 2221, 2224, from Col. 5, Line 64 to Col. 6, Line 7).

As to claims 23 and 28, Shimada teaches wherein said display unit includes a liquid crystal display adapted to display an image, and a backlight source adapted to illuminate said liquid crystal display from behind (See Fig. 1, items 7R, 7L, 8R, 8L, Col. 3, Lines 26-47).

Response to Arguments

2. Applicant's arguments filed 12.13.05 have been fully considered but they are not persuasive:

On page 2, 2nd and 3rd paragraphs of the Remarks, Applicant's stated that Shimada patent does not teach or suggest detecting whether a predetermined time has passed. However, this limitation was addressed by Yokoi et al. reference.

On the same page, last paragraph of the Remarks, Applicant's stated that Yokoi et al. patent does not teach or suggest detecting selecting or changing an image display mode. However, this limitation was addressed by Shimada reference.

Applicant's cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981).

Conclusion

Art Unit: 2677

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Telephone inquire


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
02.28.06



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